



APPLICATION ACCEPTED: August 13, 2013
BOARD OF ZONING APPEALS: December 4, 2013*

*Moved due to notices

TIME: 9:00 a.m.

County of Fairfax, Virginia

November 27, 2013

STAFF REPORT
SPECIAL PERMIT APPLICATION NO. SP 2013-LE-063
LEE DISTRICT

APPLICANT: Wilmer Carcamo

OWNERS: Wilmer A. Carcamo
Jorcenia Y. Carcamo

STREET ADDRESS: 6916 Lodestone Court, Alexandria, 22306

SUBDIVISION: 1st Stoneybrooke

TAX MAP REFERENCE: 92-1 ((10)) 8083

LOT SIZE: 8,874 square feet

ZONING DISTRICT: R-3, Cluster

ZONING ORDINANCE PROVISION: 8-914

SPECIAL PERMIT PROPOSAL: To permit reduction of minimum yard requirements based on errors in building locations to permit dwelling to remain 16.4 ft. from rear lot line and such that side yards total 16.3 ft. and accessory storage structure to remain 2.1 ft. from side lot line and 4.9 ft. from rear lot line

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

O:\vhomer\Special Permits\carcamo error\carcamo error.doc

Rebecca Homer

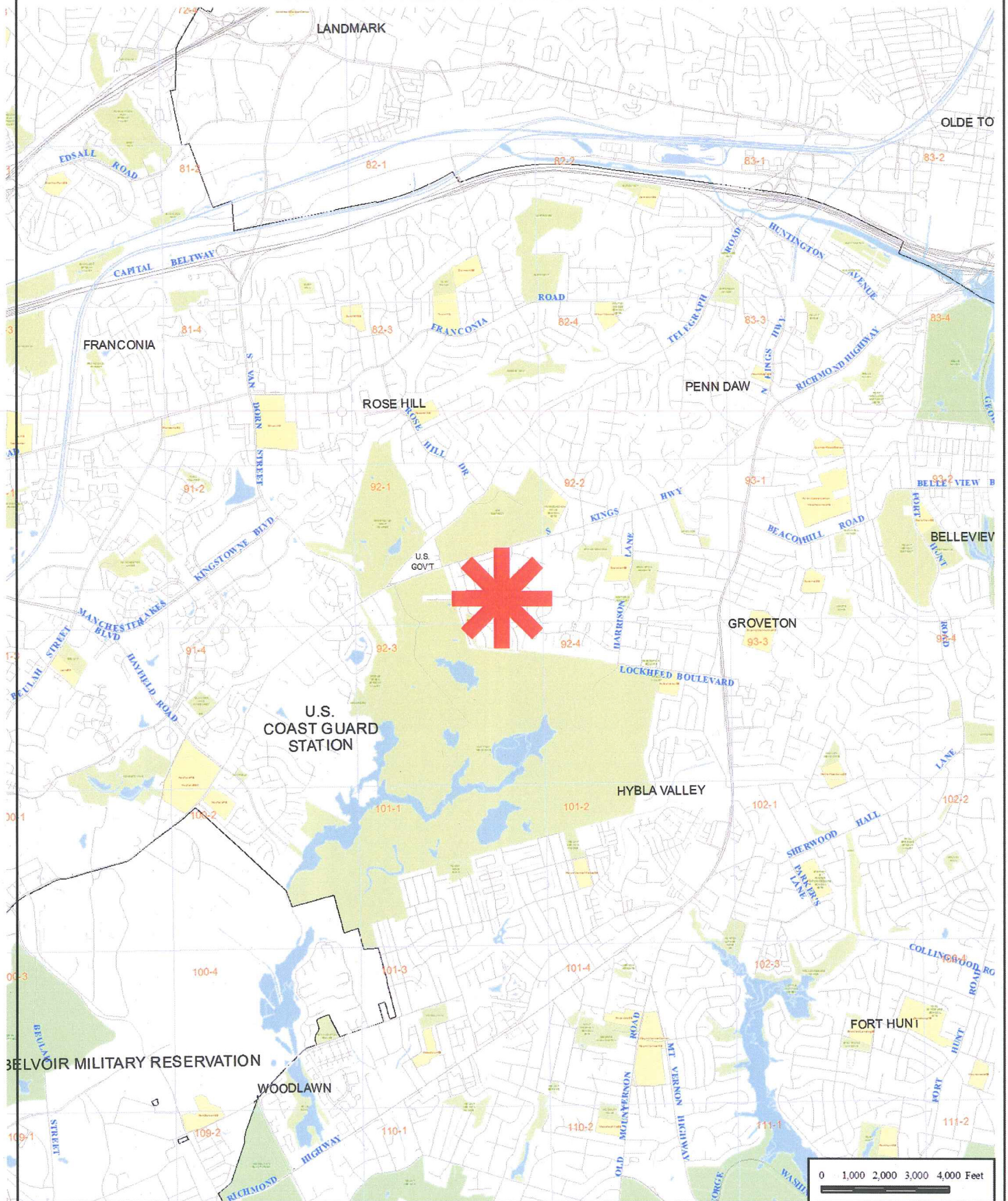
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



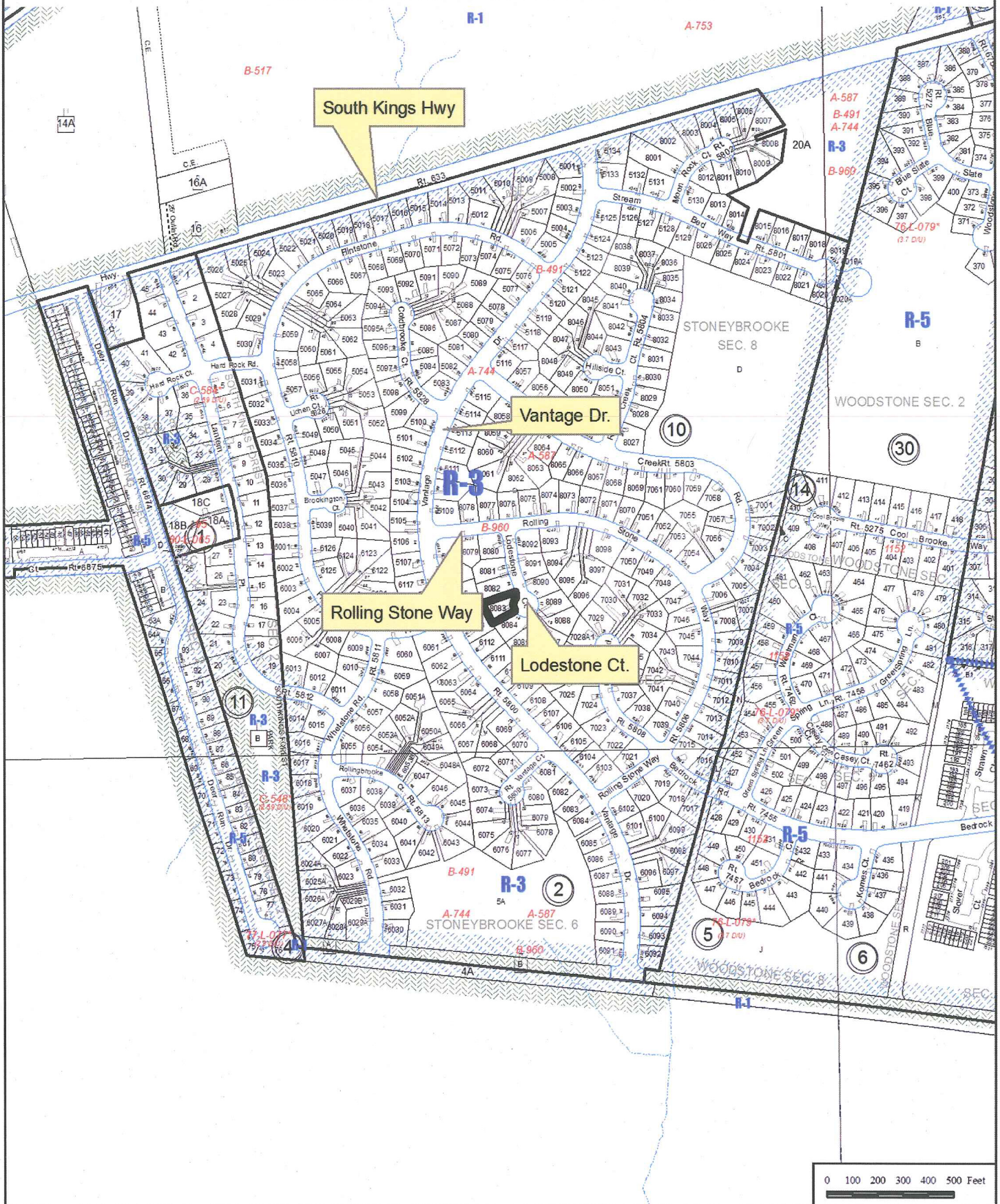
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2013-LE-063
WILMER CARCAMO



Special Permit
SP 2013-LE-063
WILMER CARCAMO



HOUSE = 1,810 S.F.
SHED = 102 S.F.



1. TAX MAP - 092-1-10-8083
2. ZONED - R-3C
3. LOT AREA = 8,874 S.F.
4. NO TITLE REPORT FURNISHED
5. MINIMUM YARD REQUIREMENTS
FRONT YARD = 20'
SIDE YARD = 8', BUT A TOTAL
REAR YARD - 25'
6. THIS PROPERTY IS SERVED BY
7. NO GRAVE, OBJECT OR STRUCTURE
8. BURIAL WAS OBSERVED DURING
9. THERE ARE NO EASEMENTS 25'
10. THIS LOT IS IN AN AREA SHOWN
11. MAP REVISED MARCH 5, 1990
12. AREAS DETERMINED TO BE OUT
13. THERE ARE NO RPAS ON THIS

JOSEPH W. BRONDER

NO.	①	ADD OFFSETS TO HOUSE & SHED EAVES







SPECIAL PERMIT REQUEST

The applicant is seeking special permit approval for reductions of minimum yard requirements based on errors in building locations to permit 1) the dwelling to remain 16.3 feet from the rear lot line, and side yards that total 16.4 feet and 2) an accessory storage structure, a 119.7 square foot shed, to remain 2.1 feet from the southern side lot line and 4.9 feet from rear lot line

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
Special Permit #1	Dwelling	Total Side Yards	20.0 feet	16.3 feet	3.7 feet	18.5%
		Rear	25.0 feet	16.4 feet	8.6 feet	34.4%
Special Permit #2	Accessory Storage Structure (Shed)	Side	12.0 feet	2.1 feet	9.9 feet	82.5%
		Rear	11.0 feet	4.9 feet	6.1 feet	55.4%

* According to Sect. 10-104 and 3-307.

A copy of the special permit, plat titled "Special Permit Plat, Lot 8083, First Addition to Stoneybrooke, Section 8" prepared by Joseph W. Bronder, Land Surveyor, of DiGiulian Associates, P.C., dated November 19, 2010, as revised through May 11, 2013, is included in the front of the staff report.

CHARACTER OF THE SITE AND SURROUNDING AREA

According to the image on the following page, the subject and surrounding parcels are zoned R-3, developed under the cluster provisions, and developed with single family dwellings.

The 8,874 square foot lot contains a single-story dwelling. The dwelling is located 8.1 feet from the northern side lot line and 8.2 feet from the southern side lot line, such that total side yards are 16.3 feet. A patio extends off the rear of the dwelling. An 11.0 foot tall accessory storage structure is located southwest of the dwelling, 2.1 feet from the side lot line and 4.9 feet from the rear lot line.

The site is accessed via a hard surfaced driveway from Lodestone Court, terminating at the dwelling. A 6.0 foot tall wood fence extends from the southern side of the dwelling to an existing fence along the southern side lot line of the neighbor's property, continuing along the subject parcel's rear lot line.



BACKGROUND

According to Fairfax County Tax Records the dwelling was constructed in 1975.

In March of 2004, the applicant applied to enclose the carport but was denied due to a lack of total minimum required side yards. A copy of the building permit is included as Appendix 4. The applicant indicates that he converted the carport into a living room in December 2005, without a building permit.

On September 24, 2010, a Notice of Violation was sent to the applicant. A copy of the NOV is included as Appendix 5.

A copy of information outlining similar special permit and variance requests is attached in Appendix 6.

ZONING ORDINANCE REQUIREMENTS

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to sections of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 7. Subject to development conditions, the special permit must meet these standards.

CONCLUSION

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit dated March 26, 2004
5. Notice of Violation dated September 24, 2010
6. Similar Case History
7. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SP 2013-LE-063

November 27, 2013

1. This special permit is approved for the location of the addition and shed as shown on the plat prepared by Joseph W. Bronder, Land Surveyor, of DiGiulian Associates, P.C., dated November 19, 2010, as revised through May 11, 2013.
2. All applicable permits and final inspections shall be obtained for the addition within 180 days of approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/22/11
 (enter date affidavit is notarized)

I, Wilmer A. Carcamo, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
☐ applicant's authorized agent listed in Par. 1(a) below

110735c

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
WILMER A. CARCAMO	6916 Lodestone Court Alexandria, VA 22306	Applicant/Title Owner
JORCENIA Y. CARCAMO	(SAME)	Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/22/11
(enter date affidavit is notarized)

110735C

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

NOT APPLICABLE

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/22/11
(enter date affidavit is notarized)

110735c

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

NOT APPLICABLE

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/22/11
(enter date affidavit is notarized)

110735c

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 2/22/11
(enter date affidavit is notarized)

110735c

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Wilmer A Carcamo
☒ Applicant ☐ Applicant's Authorized Agent

WILMER A. CARCAMO
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22nd day of February, 2011, in the State/Comm. of Virginia, County/City of Fairfax.

My commission expires: April 30, 2012

[Signature]
Notary Public



SP 2010-0288

SP 2010-0288 07/18/13

This is Wilmer Carcamo my home address is 6016 Lodestone Ct. I had a car pull and now I build it into a living room. I have gotten complaints from my neighbors for making it into a living room without a building permit. Then a inspector came and saw the living room and he said we didn't have a ~~permit~~ permit so here I am trying to fix the problem. At first I didn't know ~~how~~ I needed a permit. I want to keep it. The reason I made it is because my house would look better. The measurement of the addition is 11.6, 24.8 and 11.3 ~~long~~, The height is 12 ft high. I made the addition on ~~2005~~ December 2005.

Att Wilmer Carcamo

RECEIVED
Department of Planning & Zoning

JUL 18 2013

Zoning Evaluation Division

APR 30 2013

Zoning Evaluation Division

5.08. All Hazardous waste as set forth in ~~common~~ Commonwealth of Virginia Department of Waste Management Regular VR 672-10-1 Virginia Hazardous waste management Regulation And/or Petroleum Products as defined in title 40 code of Federal regulation part 280. to be Generated, utilized, stored treated, and/or Disposed of on site and the size and contents of any existing or proposed storage tanks or containers

5.09. conforms to the provisions Dept Development conforms to the provisions of All Applicable Ordinances Regulations And Adopted Standards or if any waiver exception or Variance is sought by the Applicant such shall be specifically noted with the justification for such modification

Statement of Justification explaining how the error in building location occurred And any supportive material such as Aerial, photographs building permit, permit. Applications contract Assessment records copy of the contract to build the structure which is in error or a statement from a previous owner ~~indication~~ indicating how the error in building location occurred.

BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES
PERMIT APPLICATION CENTER
12055 Government Center Parkway, 2nd Floor
Fairfax, Virginia 22035-5504
Telephone: 703-222-0801
Web site: www.fairfaxcounty.gov/dpw

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN
(PLEASE PRINT OR TYPE)

JOB LOCATION

ADDRESS 6916 Lodestone Ct Alex VA
LOT # 8083 BUILDING
FLOOR 1 SUITE
SUBDIVISION 1st Stonybrook, Sec 8
TENANT'S NAME

OWNER INFORMATION

OWNER ☒ TENANT ☐

NAME William A. Cavacano
ADDRESS 6916 Lodestone Ct
CITY Alexandria STATE VA ZIP 22306
TELEPHONE 703 768 2983

CONTRACTOR INFORMATION

SAME AS OWNER ☒

COMPANY NAME
ADDRESS
CITY _____ STATE _____ ZIP _____
TELEPHONE
STATE CONTRACTORS LICENSE #
COUNTY BPOL #

APPLICANT

William A. Cavacano

DESCRIPTION OF WORK

ENCLOSE CON PNT 11 X 25
NEW ATT'D BATHROOM

HOUSE TYPE

Single House

ESTIMATED COST OF CONSTRUCTION 17,000

BLDG AREA (SQ FT OF FOOTPRINT)

USE GROUP OF BUILDING

TYPE OF CONSTRUCTION

SEWER SERVICE PUBLIC ☒ SEPTIC ☐ OTHER ☐

WATER SERVICE PUBLIC ☒ WELL ☐ OTHER ☐

OTHER PLEASE SPECIFY

DESIGNATED MECHANICS' LIEN AGENT

(Residential Construction Only)

NAME

ADDRESS

NONE DESIGNATED ☐ PHONE

CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

KITCHENS _____ EXTER. WALLS _____

BATHS _____ INTER. WALLS _____

HALF BATHS _____ ROOF MATERIAL _____

BEDROOMS _____ FLOOR MATERIAL _____

OF ROOMS _____ FIN. BASEMENT _____ %

STORIES _____ HEATING FUEL _____

BUILDING HEIGHT _____ HEATING SYSTEM _____

BUILDING AREA _____ # FIREPLACES _____

BASEMENT _____

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be compiled with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

William A. Cavacano 03/26/07
Signature of Owner or Agent Date

William A. Cavacano
Printed Name and Title
(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

PERMIT # 040865340

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES COUNTY USE ONLY

PLAN # W-04-01706
TAX MAP # 92-1-10-803

ROUTING DATE APPROVED BY

LICENSING

ZONING

SITE PERMITS

HEALTH DEPT

BUILDING REVIEW

SANITATION

FIRE MARSHAL

ASBESTOS

PROFFERS

FEE \$

FILING FEE \$

AMOUNT DUE \$ 50

BUILDING PLAN REVIEW

REVIEWER # OF HOURS

REVISION FEES \$

FIRE MARSHAL FEES \$

FIXTURE UNITS PLAN LOC: J ☐ R ☐

APPROVED FOR ISSUANCE OF BUILDING PERMIT

(LOG OUT)

BY DATE

ZONING REVIEW

USE SFD

ZONING DISTRICT R3-C HISTORICAL DISTRICT

ZONING CASE #

GROSS FLOOR AREA OF TENANT SPACE

YARDS: GARAGE 1 ☐ 2 ☐ 3 ☐

FRONT OPTIONS YES ☐ NO ☐

FRONT REMARKS

L SIDE

R SIDE

REAR

GRADING AND DRAINAGE REVIEW

SOILS # _____ A ☐ B ☐ C ☐

AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT)

IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT)

PLAN # APPR. DATE

STAMPS

(See reverse side of application)

REMARKS

Denied Needs Variance - Total of
Both sides must equal 20' or more.
Currently 8.1 + 8.2 = 16.3'

NOTARIZATION (if required)

State (or territory or district) of _____

County (or city) of _____ to wit: I,

a

Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid

and executed this affidavit.

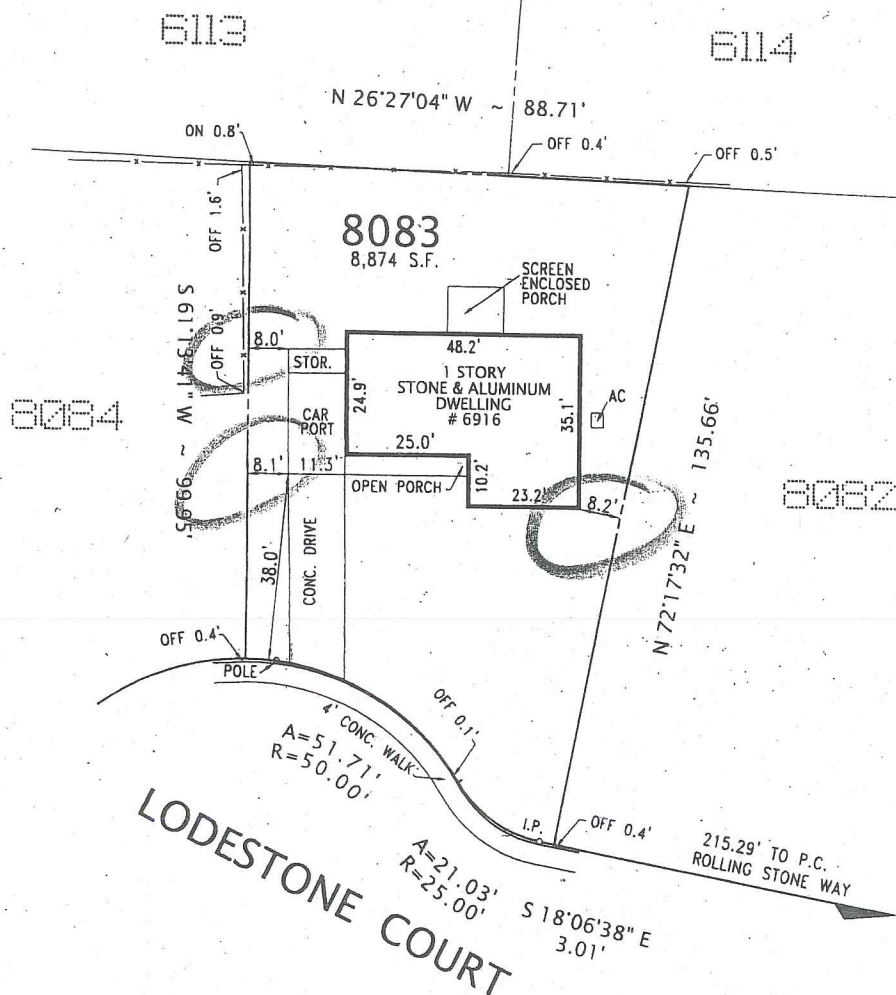
Given under my hand this _____ day of _____, 20____ My

commission expires the _____ day of _____, 20____.

(Notary Signature)

NOTE: UTILITIES ARE UNDERGROUND.

SECTION 6



LODESTONE COURT

PLAT
SHOWING HOUSE LOCATION ON
LOT 8083 SECTION 8
FIRST ADDITION TO
STONEBROOKE
FAIRFAX COUNTY, VIRGINIA
SCALE: 1" = 30' AUGUST 11, 1999

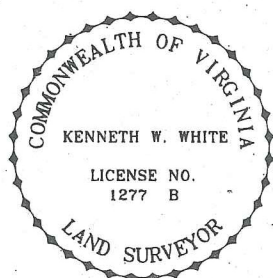
THIS PROPERTY IS NOT LOCATED IN A
SPECIAL FLOOD HAZARD AREA.

PLAT SUBJECT TO RESTRICTIONS OF
RECORD.

TITLE REPORT NOT FURNISHED.

I HEREBY CERTIFY THAT THE POSITIONS OF
ALL THE EXISTING IMPROVEMENTS HAVE BEEN
CAREFULLY ESTABLISHED BY A TRANSIT TAPE
SURVEY AND UNLESS OTHERWISE SHOWN,
THERE ARE NO VISIBLE ENCROACHMENTS.

Kenneth W. White L.S.



CASE NAME:

BECKS - CARCAMO/LOPEZ

MBH SETTLEMENT GROUP

ALEXANDRIA SURVEYS, INC.
6343 SOUTH KINGS HIGHWAY
ALEXANDRIA, VIRGINIA 22306
703-680-6615
FAX 703-768-7764

#19990804054



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

NOTICE OF VIOLATION

DATE OF ISSUANCE: September 24, 2010

SHERIFF'S LETTER

RECEIVED
Department of Planning & Zoning
DEC 27 2010
Zoning Evaluation Division

CASE #: 201004845 SR#: 63370

SERVE: Wilmer A. Carcamo
Jorcenia Y. Carcamo
6916 Lodestone Court
Alexandria, VA 22306

LOCATION 6916 Lodestone Court
OF VIOLATION Alexandria, VA 22306-1216
Tax Map #: 92-1 ((10)) 8083
Zoning District: R-3

Dear Property Owners:

Zoning inspections at the above-referenced property September 22, 2010, revealed that you have enclosed your carport into an addition. This addition is connected to the principal building or dwelling and is approximately 8 feet from the side lot line. In addition, the inspection further revealed that you have constructed an addition on the rear of the principal building or dwelling.

These additions, thereby, become part of the principal building or dwelling as set forth in Par 1 of Sect 10-104 of the Fairfax County Zoning Ordinance:

If an accessory-type building is attached to a principal building by any wall or roof construction, it shall be deemed to be a part of the principal building, and shall comply in all respects with the requirements of this Ordinance applicable to a principal building, except as qualified in Sect. 2-412.

This property is zoned R-3 District and the bulk regulations for this district include minimum yard requirements for a single family dwelling, which are delineated in Par 2A (b) (c) of Sect 3-207 of the Zoning Ordinance, as follows:

Department of Code Compliance
12055 Government Center Parkway, Suite 1016
Fairfax, Virginia 22035-5508
Phone 703-324-1300 FAX 703-324-9346
www.fairfaxcounty.gov/code

No Building Permit shall be issued for the erection of any building or structure on a lot or addition or modification to a building or structure that is in violation of any of the provisions of Chapter 101, Chapter 116 or Chapter 118 of The Code, this Ordinance, all other applicable laws and ordinances, any proffered conditions, or any development conditions of any approved rezoning, special permit, special exception or variance. Appeals of decisions made pursuant to Chapter 118 of The Code which are appealable shall be processed in accordance with Article 8 of Chapter 118.

You are hereby directed to clear these violations within fifteen (15) days after of the date of this notice. Compliance must be accomplished by:

- Removing the addition from the property; or
- Applying for and obtaining the Zoning Administrator's approval of a Building Permit for the addition.

§ 10-104 (10D) Accessory Storage Structure Location
§ 2-302 (6) Accessory Use must comply with Article 10:

The presence of an accessory storage structure which measured approximately ten foot four inches (10' 4") in height, is approximately 122 square feet in area and is located approximately six (6) from the side lot line.

The Fairfax County Zoning Ordinance permits accessory storage structures to be located in minimum required yards; however, if the structure exceeds eight and one-half (8½) feet in height, it must be located on the lot so as to comply with Par. 10D of Sect. 10-104 of the Zoning Ordinance which states:

An accessory storage structure which exceeds eight and one half (8 ½) feet in height shall not be located in any part of any minimum required side yard.

The minimum required side yard distance in the R-3 District is twelve (12) as detailed in Par. 10D of Sect 10-104 of the Zoning Ordinance.

Therefore, as this accessory storage structure exceeds eight and one-half (8 ½) feet in height and is not located in accordance with the provisions of Par. 10D of Sect. 10-104 above, it is in violation of Par. 10D of Sect. 10-104 and Par 6. of Sect. 2-302 of the Zoning Ordinance which states:

No accessory structure or use, as defined in Article 20, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structure or use complies with the provisions of Par 1 of Article 10.

You are hereby directed to clear this violation within fifteen (15) days of the date of this Notice. Compliance can be accomplished by:

- Removing the storage structure from the property in its entirety; or

- Reducing the height of the structure to eight and one-half (8 ½) feet or less to allow it to remain at its present location; or
- Relocating the structure to a distance from the side lot line in accordance with Par. 10D of Sect. 10-104. of the Zoning Ordinance as outlined above.

As an alternative you may apply to the Fairfax County Board of Zoning Appeals (BZA) and actively pursue and ultimately obtain approval of a Group 9 Special Permit for an error in building location to allow the accessory storage structure to remain at its present height and at its present location. For information and answers to any questions regarding this application process, you may contact the Zoning Evaluation Division at 703-324-1290.

Further this inspection revealed that you have enclosed an existing carport into living space on the left side of the dwelling without having obtained the Zoning Administrator's approval of Building Permit application

Violation: BULK REGULATIONS

1. Except as may be qualified by the provisions of this Ordinance, no structure or part thereof shall hereafter be built or moved on a lot which does not meet all of the minimum bulk regulations presented for the zoning district in which the structure is located, and no structure shall hereafter be used, occupied or arranged for use on a lot which does not meet all of the minimum bulk regulations presented for the zoning district in which such structure is located.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the Notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance.

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days.

Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information that you may wish to submit and a \$2455.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA.

Should you have any questions or need additional information, please do not hesitate to contact me at (703)324-9322 or 703-324-1300.

Sincerely,

Jack Blair
Property Maintenance/Zoning Enforcement Inspector

Similar Case History

Group: 83-L -166

VC 83-L -166

APPLICANT: DAVID KOOKSUNG RIM
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 12/13/1983
ZONING DISTRICT: R- 3
TAX MAP #S: 0921-10
DESCRIPTION: ALLOW ENCLOSURE OF EXISTING CARPORT FOR AN ATTACHED GARAGE 8.2 FT. FROM SIDE LOT LINE SUCH THAT TOTAL SIDE YARDS WOULD BE 16.9 FT. (8 FT. MIN., 20 FT. TOTAL MIN. SIDE YARD REQ.)
LOCATION: 4327 ROCK CREEK ROAD

Group: 91-L -141

VC 91-L -141

APPLICANT: CAROL PETTIT
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 03/11/1992
ZONING DISTRICT: R- 3
TAX MAP #S: 0921-10
DESCRIPTION: ALLOW ENCLOSURE OF CARPORT 7.1 FT. FROM SIDE LOT LINE (8 FT. MIN. ONE SIDE, 20 FT. TOTAL SIDE YARD REQ.)
LOCATION: 4329 ROCK CREEK ROAD

Group: 99-L -049

SP 99-L -049

APPLICANT: HALLA, DAVID EARL
STATUS: APPLICATION APPROVED
STATUS/DECISION DTE: 12/08/1999
ZONING DISTRICT: R- 3
TAX MAP #S: 0921-10
DESCRIPTION: MODIFICATION TO MINIMUM YARD REQUIREMENTS BASED ON ERROR IN BUILDING LOCATION TO PERMIT ADDITION TO REMAIN 7.5 FT. FROM SIDE LOT LINE SUCH THAT SIDE YARDS TOTAL 17.8 FT.
LOCATION: 6818 ROCK CREEK COURT ALEXANDRIA, VA 22306

Group: 2008-LE-003

SP 2008-LE-003

STAFF REPORT

APPLICANT: WILLIAM M MCGEEHAN

STATUS: APPLICATION APPROVED

STATUS/DECISION 04/01/2008

DTE:

ZONING DISTRICT: R-3

TAX MAP #S: 0921-10

DESCRIPTION: REDUCTION OF CERTAIN YARD REQUIREMENTS TO PERMIT ADDITION 5.6 FEET FROM SIDE LOT LINE
SUCH THAT SIDE YARDS TOTAL 18.3 FEET

LOCATION: 4523 FLINTSTONE ROAD

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 1/2" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.